

ENTERED

April 12, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§
	§ MAGISTRATE JUDGE ACTION NO.
VS.	§ 2:23-MJ-00245
	§
RAUL ARMANDO GUERRERO	§

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

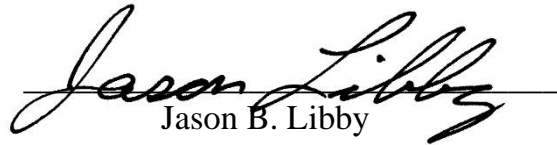
A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). Detention of the defendant pending trial in this case is necessary because there is a serious risk that the defendant will not appear.

The evidence against the defendant meets the probable cause standard and the weight of the evidence is strong. The defendant is a citizen of Mexico. The U.S. Pretrial Services report indicates the defendant has no status to be legally present in the United States. The defense disputes this portion of the report and proffered that the defendant is pending immigration proceedings but has permission to live in the United States while those proceedings are pending. Nevertheless, it is undisputed that an immigration detainer has been placed on the defendant. If the undersigned were to set bond, the defendant would be released to the immigration authorities. U.S. Border Patrol Agent Michael Hibdon testified that if this defendant were released on bond to the immigration officials, he would be deported. Additionally, the defendant has a felony conviction for trafficking in cocaine. Further, if the defendant is convicted of the instant offense, he would most certainly be

deported from this country. The defendant would have little incentive to return to this Court to face trial if released on bond. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant is ORDERED detained pending trial.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED on April 12, 2023.


Jason B. Libby
United States Magistrate Judge